

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:05-CR-19-1-F(3)

UNITED STATES OF AMERICA)
)
)
v.) ORDER
)
BEVERLY M. PARKER,)
Defendant.)

This matter is before the court upon the defendant's *sixth* motion to continue the trial of this matter. She has fired her attorney and has hired substitute counsel. Her newly retained attorney, Joe Alfred Izen, Jr. of Bellaire, Texas, filed two motions on her behalf on February 21, 2006,¹ and amended those motions on February 22, 2006.

First, Mr. Izen seeks to be substituted as counsel of record for Ms. Parker; he asserts that he is prepared to execute a Motion for Leave to Appear *Pro Hac Vice* in any manner required by this court's Local Rules. This court's Local Rules do not provide for *pro hac vice* admissions; rather, attorneys who are not members of the bar of this court may appear through Local Counsel, as required by Local Rule 57.1 (E.D.N.C.). The Amended Motion to Substitute Counsel represents that Mr. Sullivan still is appearing for Ms. Parker as local counsel; Mr. Sullivan has not withdrawn his Motion to Adopt [DE-35] that confirms his continuing status as local counsel. Therein, Mr. Sullivan states that he will provide Mr. Izen a copy of the Local Rules of this district, and will ensure future compliance therewith. Accordingly, Mr. Izen's Amended Motion to Substitute Counsel [DE-36] is ALLOWED, and his Motion to Substitute

¹ On that same date, Ms. Parker's Local Counsel, Mr. Sullivan, filed a Motion to Adopt and to Continue [DE-35], requesting that Mr. Izen's February 21, 2006, motions be considered as if they had been filed in compliance with this court's Local Rules. Mr. Sullivan has filed no similar motion related to Mr. Izen's Amended Motions [DE-36 and -37].

[DE-33] is DENIED as moot. Mr. Izen is cautioned that he must comply with the Local Rules of this court.

Next, both Mr. Izen [DE-37],² and Mr. Sullivan [DE-35] move the court to continue the trial of this case for at least seventy days. The matter is scheduled for trial during the court's **April 10, 2006**, term of court in Wilmington, NC. Mr. Izen states in his motion that "Parker has agreed to retain the services of . . . Izen . . . to act as lead counsel and represent her at trial *subject to this court's approval of Izen's Pro Hac Vice Motion and the grant of sufficient additional time to Izen to prepare defendant's case for trial.*" Amended Motion to Substitute Counsel at ¶ 3 (emphasis added).

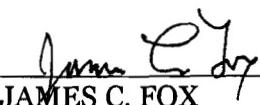
The trial of this matter already has been continued *five times* at Ms. Parker's request. The court ALLOWS this final continuance until the **June 12, 2006**, term of court in Wilmington, North Carolina. Accordingly, the Motions to Continue [DE-37 and DE-35] are ALLOWED, and Mr. Izen's Motion to Substitute Counsel [DE- 36], as supplemented by Mr. Sullivan's Motion to Adopt [DE-35], also are ALLOWED.

In order to permit Ms. Parker to appear with counsel who has had time to prepare for trial, the court concludes that the ends of justice best are served by granting the continuance ordered herein, and that the interests of justice outweigh the interests of the public and the defendant in a speedy trial. The period of delay occasioned by this continuance shall be excluded from computation of the defendant's speedy trial time. 18 U.S.C. § 3161(h)(1)(H), (8). **The court is not inclined to allow any further delays in the trial of this matter.**

² Mr. Izen's Motion to Continue [DE-34] is DENIED as moot, as it was amended by [DE-37].

SO ORDERED.

This the 7 day of March, 2006.



JAMES C. FOX
United States District Judge